

INITIAL STATEMENT OF REASONS
TITLE 13
ARTICLE 4.7 SCHOOLS FOR TRAFFIC VIOLATORS

Sections 345.39, 345.45, 345.56 and 345.78

The Department of Motor Vehicles (the department) proposes to amend Sections 345.39, 345.45, 345.56 and 345.78 in Title 13, California Code of Regulations, in order to establish additional means by which to ensure that a commercial driver license holder is prohibited from completing a traffic violator school in lieu of adjudicating a traffic offense. Without these provisions, it would be possible for a commercial driver to avoid the consequences of federally mandated actions against his/her driving privilege. Adoption of the emergency regulations as permanent regulations will bring the department into compliance with Title 49, Code of Federal Regulations by the September 30, 2005, deadline.

Failure to adopt these regulations which would be compliant with the Code of Federal Regulations will result in the withholding of federal-aid highway funds and Motor Carrier Safety Assistance Program (MCSAP) grant funds.

§ 345.39. Conducting Classes.

Subparagraph (o) has been added to require traffic violator school instructors to compare student information on the roster or enrollment card with the student's driver license and validate the accuracy of the information on the roster. This information is necessary to ensure that only authorized students receive a completion certificate.

§345.45. Issuance, Content and Disposition of Completion Certificates.

Subparagraph (a) has been amended to update the completion certificate (Form number OL 730 (Rev. 2/205)). The completion certificate has been revised as described in subparagraphs (a)(3) and (a)(4).

Subparagraph (a)(3) has been amended to require completion certificates to contain the city and date the certificate was issued. This change is necessary to distinguish the address of the primary business location from that of a satellite classroom. It also provides clarity for bookkeeping, auditing and monitoring purposes.

Subparagraph (a)(4) has been amended to require the completion certificate to contain the city of the traffic violator school issuing the certificate. This change is necessary to distinguish the address of the primary business location from that of a satellite classroom. It also provides clarity for bookkeeping, auditing and monitoring purposes.

Subparagraph (e) has been amended to require a student who has elected to attend the traffic violator course be issued a separate and distinct receipt for payment. This is necessary to ensure that students who do not qualify do not receive a completion certificate yet allow the student to be issued a receipt for payment with specified information.

Subparagraph (f) is added to identify those students who are not authorized to receive a completion certificate. This is necessary to ensure that students who elect to enroll in the traffic violator school or drivers who possess a class A, class B or commercial class C driver license will not be issued a completion certificate.

§345.56. Business Records.

Subparagraphs (a), (a)(1) and (a)(2) have been amended for clarity by identifying information that must be contained in any class roster sheet.

Subparagraph (a)(3) is added to require the student's driver license number to be contained in the class roster sheet or student enrollment cards. This information is necessary to maintain records verifying students authorized to receive completion certificates.

Subparagraph (a)(4) is added to require the citation number of a student referred by the court or an indication that the person has elected to take the course. This information is necessary to ensure that only authorized students receive a completion certificate.

§345.78. Traffic Violator School Attendance.

Subparagraph (a) is proposed to be identified as (a) for clarification purposes. This paragraph prohibits an owner, operator, administrator or instructor of a traffic violator school from attending any classes offered by the school for which he or she is licensed.

Subparagraph (b) is added to require the driver license number and citation number of a student referred by the court to be verified prior to the student attending the course. This subparagraph also specifies individuals that may not attend a traffic violator school in lieu of adjudicating a traffic offense. This information is necessary to ensure that only authorized students receive a completion certificate.

Subparagraph (b)(1) is added to prohibit a person holding a class A, class B or commercial class C driver license from attending a traffic violator school in lieu of adjudicating a traffic offense.

Subparagraph (b)(2) is added to prohibit a person who committed a traffic offense that occurred in a commercial vehicle, regardless of driver license class, from attending a traffic violator course in lieu of adjudicating any personal traffic citation.

Subparagraph (c) is added to allow any person holding a commercial driver license to elect to attend a traffic violator school provided they sign the consent form as described in Vehicle Code Section 11200 (b). This is necessary as the consent form describes to the attendee that the course content is limited to traffic violator curricula as approved by the department and the instructor training, business standards, and Vehicle Code requirements are not equal to that of a licensed driving school.